

REMARKS

I. INTRODUCTION

Claims 1, 2, 4-9, and 11 are pending in the present application. In view of the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

Claims 1, 2, 4-9 and 11 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Khan et al. (U.S. Patent Publication No. 2004/0171934) in view of Gordon (U.S. Patent No. 5,938,645).

Claim 1 recites, “[a] catheter system, comprising: a first catheter element with at least a first active localizer corresponding to a portion of the first catheter element, the first active localizer indicating a spatial position of the portion of the first catheter element; a second catheter element with at least a second active localizer corresponding to a portion of the second catheter element, the second active localizer indicating a spatial position of the portion of the second catheter element; and a fixing device for fixing a position of at least one of the catheter elements in a surrounding vessel, wherein the first and the second catheter element are slidably coupled, and wherein the first and the second active localizers simultaneously indicate the spatial positions of the portions of the first and second catheter elements.”

Khan discloses a magnetic resonance system that tracks a plurality of tracking coils (16) arranged in a catheter system (10). (*See* Khan, ¶ [0020], Fig. 1). The catheter (10) includes a lumen (18) for a wire (20) that couples the tracking coils (16) with the magnetic resonance system. (*See Id.*). The Examiner refers to the Khan’s disclosure that a guidewire can be inserted through the lumen (18) of the catheter (10) to facilitate placement of the catheter (10). (*See* 7/22/11 Office Action, p. 2) (referring to Khan, ¶ [0032]). The Examiner has pointed to the guidewire to teach the recited “second catheter element.” However, claim 1 recites “a second catheter element with *at least a second*

active localizer.” There is no teaching or suggestion in Khan that the guidewire that is used to facilitate placement of the catheter includes the tracking coils 16. In fact, the entirety of the disclosure with respect to the guidewire of this embodiment states that “a separate guidewire lumen and a distal guidewire port may be provided in the catheter shaft to allow the retrieval system to be inserted over a guidewire.” (*See Khan*, ¶ [0032]). This, in no way, suggests that the guidewire has the tracking coils 16. Accordingly, Khan neither teaches nor suggests “a second catheter element with *at least a second active localizer.*”

Khan also discloses that instead of the catheter (10), the medical device (32) with the tracking coils (16) can be a guidewire instead. (*See Khan*, ¶ [0022]). However, this disclosure is related to the insertion of a guidewire only. Thus, it is not referring to the insertion of first and second catheter elements as recited in claim 1. In the entirety of the Khan disclosure, there is no mention of a first catheter element with a first active localizer and second catheter element with a second active localizer “*wherein the first and the second catheter element are slidably coupled, and wherein the first and the second active localizers simultaneously indicate the spatial positions of the portions of the first and second catheter elements.*” In fact, as previously explained, the only embodiment disclosed by Khan in which the catheter and the guidewire are slidably coupled is when the guidewire is used to facilitate placement of the catheter. (*Id.* at ¶ [0032]). However, Khan fails to disclose or suggest that catheter has a first active localizer and the guidewire has a second active localizer “*wherein the first and the second active localizers simultaneously indicate the spatial positions of the portions of the first and second catheter elements,*” as recited in claim 1.

Applicants respectfully submit that Gordon simply teaches a “a catheter having proximal and distal ends, designed to be advanced through a hemostasis valve and guide catheter over a guide wire.” Applicants respectfully submit Gordon never discloses or suggests determining spatial positions of localizers with respect to each other because Gordon never discloses or suggests multiple localizers. Accordingly, Gordon fails to cure the deficiencies of Khan and Khan and Gordon, alone or in together, fail to disclose

or suggest “*wherein the first and the second catheter element are slidably coupled, and wherein the first and the second active localizers simultaneously indicate the spatial positions of the portions of the first and second catheter elements,*” as recited in claim 1. Thus, the rejection of claim 1 under 35 U.S.C. § 103(a) should be withdrawn. Because claims 2, and 4-6 depend on and, therefore, contain all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claim 7 recites limitations that are substantially similar to those of claim 1. Accordingly, the rejection of claim 7 under 35 U.S.C. § 103(a) should be withdrawn. Because claims 8, 9, and 11 depend on and, therefore, contain all of the limitations of claim 7, it is respectfully submitted that these claims are also allowable.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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